IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 442 (S/B) 2003

Bishan singh saini s/o Shri Zile Singh
R/o Civil Hospital Campus, Roorkee,
Tehsil-Roorkee Distt. Haridwar ……. Petitioner

Vs.

State of Uttaranchal, through
Additional Secretary,
Medical and Health Family Welfare,
Uttaranchal, Dehradun. and others …… Respondents

Sri Lok pal Singh, learned counsel for the petitioner
Sri K.P. Upadhayaya, learned counsel for the State

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.

Date: 20.08.2003

PC

By this writ petition, the petitioner seeks to challenge the transfer ordr dated 10.7.2003 inter alia on the ground of hardship. The order is passed in public interest. The judgment of the Supreme Coiurt in the case of Mrs. Shilpi Bose and others Vs. State of Bihar and others reported in AIR 1991 SC page 532 squarely applies to the facts of this case. Hence, the writ petition is rejected.

However, this order will not prevent the petitioner from making a mercy petition to the administration. It is pointed out that the earlier representation has been rejected without proper application of mind. We do not see any reason to interfere on this ground. However, the petitioner may move the administration once again with a mercy petition and it would be for the administration to decide that representation on its own merits. We do not see any reaaon to interfere. We make it clear that if the representation is rejected by the administration, it will not provide a ground for the petitioner to move to this court under Article 226 of the constitution once again.

(Rajesh Tandon, J) (S.H. Kapadia, C.J.)

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